

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

VINCENT DANIEL HOPPER, a/k/a
ANTOLIN ANDREW MARKS,

Plaintiff,

v.

MARVEL L. MORRISON, et al.,

Defendant.

Case No. C06-5058 FDB

ORDER ADOPTING REPORT AND
RECOMMENDATION DISMISSING
PLAINTIFF'S CLAIMS AND
CAUSES OF ACTION

This matter comes before the Court on the Report and Recommendation of the Magistrate Judge [Dkt. #52] that the Court dismiss Plaintiff's claims and causes of action.

As detailed by the Magistrate Judge, Plaintiff is currently being held in custody pending the outcome of a deportation proceeding. Plaintiff has filed a complaint with this court asserting claims that he has been denied necessary medical care and not been given adequate nutrition during his custody. The defendants have moved to dismiss the claims [Dkt. # 16 & 25] on the basis that Plaintiff cannot maintain an action against the federal employees or federal agencies. As outlined by Magistrate Judge J. Kelly Arnold, the federal agencies are immune from suit. Plaintiff, similarly cannot maintain an action against the private corporation which manages and operates the custodial

1 facility. The individual employees named in their official capacity care not subject suit. Finally,
2 Plaintiff has not presented a sufficiently serious medical need to support a claim against individual
3 defendants in their personal capacities.


4 Plaintiff has filed a lengthy objection to the Report and Recommendation [Dk. #56] in which
5 he argues the merits of his claim. The objection however, does not dispel the lack of jurisdiction.

6 The Court, having reviewed Plaintiffs' complaint, the Report and Recommendation of
7 Magistrate Judge J. Kelley Arnold, the Objections to the Report and Recommendation, and the
8 remaining record, does hereby find and ORDER:

- 9 (1) The Court adopts the Report and Recommendation;
- 10 (2) Plaintiff's claims and causes of action are **DISMISSED**;
- 11 (3) Clerk is directed to send copies of this Order to Plaintiff, counsel for Defendants who
12 have appeared, and to the Hon. J. Kelley Arnold.

13 DATED this 17th day of October, 2006.

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FRANKLIN D. BURGESS
UNITED STATES DISTRICT JUDGE